

## SEASONABLE CAUTIONS

FOR

## JURIES, SOLICITORS and WITNESSES ;

To Deterre from ~~Man~~ Catching.*Nil perjuriam, nil nocet Istitis.**Fraus Mendacij tincta colore.*

Boethius.

**I**T was said in the Star-Chamber 13 of *Caro. primi*, by a learned and great Prelate ; *That to tamper with Witnesses, to threaten, deterre, affright, corrupt, or silence, or to absent those that are to witness a truth, is a* William Arch Bp. of Cant. *very foul crime, and a most odious and detestable fault in any man, of what condition soever he be ; and if these things be suffer'd, and may goe unpunished, no State can stand ; it destroys the Interest of Meum and Tuum : And no man is sure of what he holds, or can say whether he hath an Estate or no ; and let us modestly adde, or whether he may not be in a Gaol to night, and Hanged to morrow.*

In all the time, that passed from the Creation till the Law, we find not any Shadow or overture of Suborning or Corrupting Witnesses ; Nature, it seems, had not yet produced persons so wicked, as to perpetrate such abominable and black Crimes ; Crimes, that ruine all right and subvert all Justice ; Crimes, that destroy the Law, given by the Grand Law-maker, God himself : *Thou shalt not bear false Witness, &c.* Crimes, that if not prevented, or when found out, not punished with most exact severity, will overthrow the greatest of Empires.

There is much cunning in procuring and tampering with Witnesses, and much art in packing of Jurors, both which are impious and destructive to Humane Society.

But some will say : May not a man meddle with or question a Witness ?

Yes, But with certain limitations. Otherwise a Witness may be made or corrupted, Judges and Jurors abused, and the Innocent utterly destroyed. A Solicitor ( out of which rank, Justices of Peace are, or should be ) may warn, incite or enforce Witnesses to come in ; yet may not instruct, threaten or bribe them to swear this or that. He may discourse with them, and enquire whether they have any thing to say to this or that point, in order to save the Court a trouble ; but he ought not to work them by hope of reward, or fear of harm to say more, or less than they are inclined to, and were by their Consciences obliged to deliver as truth. Neither may he tamper Jurors ; the term in English, is, *Embracery*, in Latine, *Amplexus*, a hugging them, to procure undue ends. We have it mentioned in 13 of *Henry 4.* where it is called, *Leading of a Jury*. To cause a Witness to decline from, or alter his Testimony, is a grievous Crime ; yea, the attempt ( though not effected ) is censurable. The Punishment in our ancient Laws ( yet in force ) for wicked Solicitors, corrupt Jurors and Witnesses, is, *Loss of Freehold and goods, their Houses are to be razed, their Meadows plowed up, their Woods felled, themselves to be perpetually Imprisoned or Banished, and their Wives and Children to be turn'd a begging.*

The first precedent of Subornation is the notorious Practice of Impiety contrived by *Jezebel*, prosecuted by her blessed Solicitors, and made good by her Sons of *Belial* : Her final Catastrophe is recorded in Sacred Writ ; a precaution to future Ages, and to all men in *Ireland* and in Crown-Court. What became of her two worthy Sons of *Belial* is not so well known to Posterity. Whether they hanged themselves, or run their Countrey, being yet undetermin'd. If they fled, it is not impossible, but that they might be waisted to *Ireland* in Ships of the *Phœnicians*, and coagulate with their Countrey-men the *Cananites*, who ( as *Monr. Bochart*, and *Mr. Broughton* assure us ) anciently peopled *Ireland*, where their Posterity remain to this day.

We may observe in this contrivance of *Jezabel*, how warily the *Holy Ghost* proceeds in relating the Fact, as if unwilling to display and discover such a Monstrous birth hatcht by this vile Woman. *There came in two Sons of Belial, and said, &c.* Intimating that this odious practice had not it's Original from humane Nature, but from Hell : It came in ( in the Devil's Name ) with two Sons of *Belial*. No doubt, when such a Door was set open by Authority, the Devil reaped a goodly Tythe of Suborners and Swearers afterwards among that People, the *Ten Tribes*, till the King of *Assyria* fetcht them all away, and planted them, no Body can yet tell where, beyond a River.

Their Brethren of *Judah* and *Jerusalem* were also apt Scholars in the Liberal Arts of Suborning and Swearing : For the Prophet acquaints us, that *Faith and Truth could scarce be found among Mortal Men.* They made use of these Engins forged in Hell, and planted them to overthrow even the Councils of God Almighty : They found and suborned false Witnesses against our Blessed Saviour himself. *Mark 14. 55.* we are told who were the Procurers, Solicitors, and Suborners. *The Chief Priests and the Elders, and all the whole Council, sought Witnesses against Jesus, to put him to Death.* And, when their pretended Blasphemy would not do the feat, they at length found Sons of *Belial*, to swear *High Treason* against him, and by that knack got him Nailed upon a Cross, in those times the punishment for vilest Malefactors. *St. Stephen* had no fairer Quarter among these Miscreants. Blasphemy served to do his Business. *Acts 6. 11.* *Then they suborned Men, who said, We have heard him speak blasphemous words against God, and against Moses :* so he was soon found guilty by his Jury of the Rabble, and knockt on the Head with Stones. But what became of these brave Treason and Blasphemy-mongers, these excellent Witness-makers ? Their sins and iniquity grew ripe, and the next thing we hear of them, is, that *Vespasian* with the mighty Forces of the *Roman Empire* is upon their Jackets, besieges them, till they eat up one another, and forces them to become Slaves ; not long after the subversion of their City follows, and under the Emperor *Adrian*, they are transplanted and disperfed, as they continue to this day. Such sweet effects of Suborning and Swearing fell upon the *Jews*.

The *Roman Law* of the Twelve Tables, condemns Men guilty of these notorious Crimes to be cast down from a Rock ( *è Saxo Tarpeio* ) the common execution of Traytors in those days ; after *Confiscatio bonorum fiat*, was subjoined, and that extended to their Heirs, as in cases of Treason.

The Ancient and later *Councils*, and all the Imperial Laws take great care to prevent these Crimes, and to punish such Offenders. The first Council of *Chalcedon*, ranks them *cum Homicidiis*, with Murtherers : And with very good reason ; for a Murtherer kills both the Body ; but he that suborns a Witness, kills two Souls, his own, and his that he doth suborn. These Crimes were adjudged horrid, and severely punished even in the Reign of King *Alerick* ; and he, we all know, was no other than a Barbarous *Goth*.

Suborners and Perjurers do at the same time do wrong to three of the greatest Persons in the World, *viz.* To God, to the King, to the Innocent.

1. First, They wrong God manifestly, by a notorious contempt of his Omnipotence, Omnipresence and Omnipotency ; and so far as in them lies, they rob him of his very Essence, Truth. *Aristotle* defines them to be Men, *Qui se putant latere Deo* ; Fellows that think they can sculk out of Gods sight, and escape the reach of his Power.

2. They wrong the King, whom they plainly cheat to his Face, even in the very seat of Justice, forcing his grave and learned Judges to do Injustice : For, if the Witnesses be suborned and give in false Evidence, the Jury must in all probability erre in their Verdict, and the Judges Sentence so, as otherwise they neither would, nor ought to have done.

3. They wrong the Innocent, for whom God hath a great esteem. His Person by such means is shamefully traduced, his Fame and Credit is taken away, or so stained, that Men will be shie to converse with him ; his Life, his Estate, his Wife and Children are for ever lost : All that's left them, is an Inheritance in Heaven ; for what is on Earth, is rent from them by Subornation and Perjury.